

BID OPENING
CITY OF SAN JOSE
OFFICE OF THE CITY CLERK

RECEIVED
San Jose City Clerk
City Clerk
Time Stamp P 2:49

TOTAL BASE BID 974,000

ALT NO. 1 _____

ALT NO. 2 _____

ALT NO. 3 _____

Alt No. 4 _____

Alt No. 5 _____

BID DATE: Thursday, May 06, 2010

Project Manager: Amit Mutsuddy ~ 945.5166

SJ/SC WPCP MCC Phase II Replacement
Design-Build Project
FY 2009-2010

BIDDER'S NAME: Monty Mechanic

Bond ☒ Cashier's Check _____

Addendums Included ()

YES _____ NO ☒ MISSING

Non-Collusion Affidavit

YES ☒ NO _____

PROPOSAL TO CITY OF SAN JOSE

FOR

MCC PHASE II REPLACEMENT DESIGN-BUILD PROJECT

Name of Bidder: Monterey Mechanical Co.

Milton C. Burleson
President & CEO

Paul Moreira
Sec., Treas & CFO

James D. Troup
Vice President

The representations herein are made under penalty of perjury.

To: The City of San Jose, State of California

The undersigned, as bidder, declares that the only person or parties interested in this proposal as principals are those named herein; that this proposal is made without collusion with any other person, firm or corporation; that the bidder has thoroughly read and examined and has full knowledge of and understands all the provisions and contents of this proposal and the documents which must be attached hereto, the Plans approved by the Director of Environmental Services on **April 9, 2010**, entitled **MCC Phase II Replacement Design-Build Project** and the Specifications approved by the Director of Environmental Services on **April 9, 2010**, entitled **MCC Phase II Replacement Design-Build Project** on file in the office of the Director of Environmental Services of the City of San Jose in City Hall, San Jose, California; that the bidder has thoroughly examined said Plans and Specifications which are on file in the office of the Director of Environmental Services, and that the bidder has full knowledge of and understands said Plans and Specifications and the requirements thereof; and that the bidder has further read and understands, and has knowledge of the contents of any and all addenda to said Plans and Specifications on file; and that the bidder proposes and agrees, if this proposal is accepted, that the bidder will contract with the City of San Jose, in the form of the copy of the contract on file in the office of the Director of Environmental Services, to do all the work and furnish all materials specified or referred to in the contract, in the manner and time therein prescribed, and according to the requirements of the City or Director of Environmental Services as therein set forth, to furnish the contract, bonds and insurance specified in the Specifications, and to do all other things required of the Contractor by the contract; and will take in full payment therefor the following price or unit prices as shown in the Schedule of Quantities on the next page(s).

If the bidder or other interested persons is a corporation, state legal name of corporation, also names of the President, Secretary, Treasurer, and the Manager thereof; if a partnership, state the name of the partnership, if one exists, also the names of all the partners comprising the partnership; if any of the partners are individuals, state the first and last name of every individual in full, if any of the partners are corporations, state for each such corporation, the information required above of corporations; if any of the partners are partnerships, state for each such partnership the information required above of partners; if the bidder or other interested person is a joint-venture, state the name of the joint venture, also names of all joint venturers comprising the joint venture; if any of the joint venturers are individuals, state the first and last name of every individual comprising the joint venture; if any of the joint venturers are corporations, state for each corporation the information required above of corporations; if any of the joint venturers are partnerships, state for each such partnership, the information required above of partners; if bidder or other interested persons is an individual, state first and last names in full.

If bidder is an individual, the bidder's signature shall be placed below; if bidder is an individual, doing business under a fictitious name, the name of the individual followed by the words "doing business under (insert the fictitious name)" shall be set forth above, together with the signature of the individual; if bidder is a corporation, the legal name of the corporation shall be set forth above, together with the signature of the officer or officers of the corporation, authorized to sign contracts on behalf of the corporation, the corporate title; that is Vice-President, Secretary, etc., should be placed below the name of the officer and the corporate seal affixed; if bidder is a partnership, the legal name of the partnership, if one exists, shall be set forth above, together with the signature of the partner or partners authorize to sign contracts on behalf of the partnership; if any of the partners are corporations, execution for such partners shall be accomplished

SCHEDULE OF QUANTITIES

for

San Jose/Santa Clara Water Pollution Control Plant
MCC Phase II Replacement Design-Build Project
FY 2009-10 Capital Improvement Program

| Bid | | | | |
|------|---|--------------------|-------------------------|-------------------------|
| Item | Description | Estimated Quantity | Unit Price (In Figures) | Item Price (In Figures) |
| 1 | Design and Construction of MCC Phase II Replacement | Lump Sum | N/A | 974,000 |

Total Lump Sum Bid Amount in Figures \$974,000

Total Lump Sum Bid Amount in Words Nine hundred seventy-four thousand, dollars

Basis of bid evaluation: See Section 3-1.01 of the Special Provisions. The bid shall include all Federal, State, and other taxes, and shall be firm for a period of 120 days after bid opening. All bid items must be filled in completely.

BIDDER:

Monterey Mechanical Co.

Company

Milton C. Burleson *Paul Moreira* *James D. Group*
Milton C. Burleson Signature Paul Moreira James D. Group
President & CEO Sec., Treas & CFO Vice President

in accordance with the requirements set forth above for corporations; if any of the partners are partnerships, execution for such partners shall be accomplished in accordance with the requirements set forth above for partnership; if bidder is a joint-venture, the legal name of the joint venture, if one exists, shall be set forth above for partnerships. If signature is by an agent other than an officer of a corporation, or member of a partnership or a joint venture, a Power of Attorney must be on file with the City Clerk prior to opening bids or submitted with the bid; otherwise, the bid may, at the City's option, be disregarded as non-responsive.

If this proposal shall be accepted and the undersigned shall fail to contract, and to give the Contractor's Bond For Faithful Performance and the Contractor's Payment Bond required by the specifications and contract and by law, and to provide all insurance as required by said contract, within eight (8) days after the bidder has received notice from the City of San Jose, the City may, at its option, determine that the bidder has abandoned his/her contract, and thereupon this proposal and the acceptance thereof shall be null and void, and the forfeiture of such security accompanying this proposal shall operate and the same shall be the property of the City of San Jose.

In accordance with Public Contract Code Section 10232, the Contractor, hereby states under penalty of perjury, that no more than one final unappealable finding on contempt of court by a federal court has been issued against the Contractor within the immediately preceding two year period because of the Contractor's failure to comply with an order of a federal court which orders the Contractor to comply with an order of the National Labor Relations Board. Signing this Proposal on the signature portion thereof shall constitute signature of this Statement.

Accompanying this proposal are the following documents completely filled in by the bidder and the same are incorporated herein by reference;

1. Cash, a cashier's check or a certified check made payable to City, or a bidder's bond executed by an admitted surety insurer naming the City as beneficiary, in an amount equal to at least ten percent (10%) of the total amount bid including all alternatives.
2. A "List of Subcontractors".
3. A "Statement of Qualifications".

City may at its option, request additional supplemental information after bid opening.

Bidder understands that the City reserves the right to reject any or all bids and to waive any informalities in the bidding.

The undersigned, as bidder, declares that in listing subcontractors in this bid, I have not discriminated or given any preference to any firm based on race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, or national origin. I understand that any such discrimination or preference is in violation of Chapter 4.08 of the Municipal Code.

Execution of the Non-Collusion Affidavit constitutes execution of this Bid Proposal including the above statement of nondiscrimination and, with the exception of the Bidder's Bond or Addenda, if any, no other signatures will be required.

NONCOLLUSION AFFIDAVIT

Project Title: **MCC Phase II Replacement Design-Build Project**

Milton C. Burleson, being first duly sworn, deposes and says that he/she is
(print name)

the party making the foregoing bid that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof the effectuate a collusive or sham bid.

In accordance with Title 23, United States Code, Section 112, the bidder hereby states, under penalty of perjury, that he/she has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this contract. Bidders are cautioned that making a false certification may subject certifier to criminal prosecution.

The undersigned declares under penalty of perjury that the information contained in this proposal and all accompanying documents are true and correct.

Executed on May 6, 2010

| | |
|---|--|
| <u>Monterey Mechanical Co.</u> | City Business Lic. No.: _____ |
| Legal Company Name | Expiration Date: _____ |
| <u>Corporation</u> | State Contractor Lic. No.: <u>388361</u> |
| | Classification: <u>A, B, C4, C12, C16, C20, C36, C42 & C43</u> |
| Indicate Type of Entity: Sole Proprietorship, | Expiration Date: <u>3/31/12</u> |
| Partnership (General/Limited Partners), | Federal I. D. No.: <u>94-2614825</u> |
| Corporation, Joint Venture, etc. | Address: <u>8275 San Leandro Street</u> |
| | <u>Oakland, CA 94621</u> |
| By: <u>Milton C. Burleson</u> | Telephone: <u>510-632-3173</u> |

Title: Milton C. Burleson, President & CEO

NOTARY

On _____ before me, _____, personally appeared
(name and title of officer)

_____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under the PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

See attached Notary Acknowledgment

Signature _____
Notary Public

(Seal)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Alameda

On 5/6/10 before me, Debra Paraiso, Notary Public

Here Insert Name and Title of the Officer

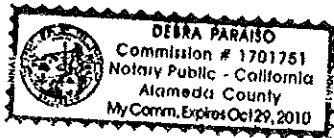
personally appeared Milton C. Burleson

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal Above

Signature

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

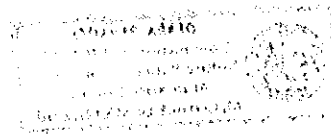
RIGHT THUMBPRINT
OF SIGNER
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Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here



BIDDER'S BOND

KNOW ALL PERSONS BY THESE PRESENTS:

That we, Monterey Mechanical Co. as PRINCIPAL, and Safeco Insurance Company of America, a corporation duly organized under the laws of the State of Washington and duly licensed to become sole surety on bonds required or authorized by the State of California, as SURETY, are held and firmly bound unto the City of San Jose (hereinafter called the "City"), in the penal sum of TEN PERCENT (10%) OF THE TOTAL AMOUNT OF THE BID of the Principal above named, submitted by said Principal to the City of San Jose, for the work described below; for the payment of which sum in lawful money of the United States, well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents. In no case shall the liability of the Surety hereunder exceed the sum of ten percent of bid amount----- DOLLARS (\$ 10%---).

THE CONDITION OF THIS OBLIGATION IS SUCH,

That whereas the Principal has submitted the above mentioned bid to the City of San Jose, for certain construction specifically described as follows, for which bids are to be opened in the Office of the City Clerk, City of San Jose, City Hall, 200 E. Santa Clara St., Wing 2nd Fl., San Jose, CA 95113, on May 6, 2010 for MCC Phase II Replacement Design-Build Project.

NOW, THEREFORE, if the aforesaid Principal is awarded the contract and, within the time and manner required under the specifications, after the prescribed forms are presented to Principal for signature, enters into a written contract, in the prescribed forms, in accordance with the bid, and files a Faithful Performance Bond and a Contractor's Payment Bond, and files the required insurance policies with the City, all as required by the specifications and the contract or by law, then the obligation shall be null and void; otherwise it shall be and remain in full force and effect.

The Surety, for value received, hereby stipulates and agrees that the obligation of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the Owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

In the event suit is brought upon this bond by the Obligee and judgement is recovered, the Surety shall pay all costs incurred by the Obligee in such suit, including a reasonable attorney's fee to be fixed by the court.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 4th
day of May, 2010.

PRINCIPAL

SURETY

Monterey Mechanical Co.
Legal Company Name

Safeco
Insurance Company of America
Legal Company Name

Corporation
Indicate Type of Entity

By Milton C. Burleson
Title: Milton C. Burleson
President & CEO

By Danijela L. Mosunic
Title: Danijela L. Mosunic
Attorney-In-Fact

By _____
Title: _____

By _____
Title: _____

(Affix Corporate Seals)

(Attach Acknowledgments of both Principal and Surety signatures)

Wm. A. Dyer.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

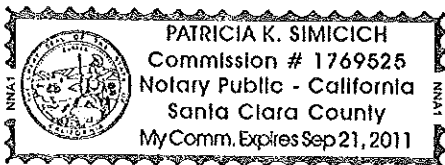
State of California

County of Santa Clara

On May 4, 2010
Date

before me, Patricia K. Simicich, Notary Public
Here Insert Name and Title of the Officer

personally appeared Danijela L. Mosunic
Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

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Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
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Signer's Name: _____

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☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here



POWER
OF ATTORNEY

Safeco Insurance Company of America
General Insurance Company of America
1001 4th Avenue
Suite 1700
Seattle, WA 98154

No. 12829

KNOW ALL BY THESE PRESENTS:

That SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA, each a Washington corporation, does each hereby appoint

*****RONALD G. SPENO; FRANCIS E. COOK; CHARLES M. GRISWOLD; DANIJELA L. MOSUNIC; VINCE SCOLARI; San Jose, California*****

its true and lawful attorney(s)-in-fact, with full authority to execute on its behalf fidelity and surety bonds or undertakings and other documents of a similar character issued in the course of its business, and to bind the respective company thereby.

IN WITNESS WHEREOF, SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA have each executed and attested these presents

this 21st day of March, 2009

Dexter R. Legg, Secretary

Timothy A. Mikolajewski, Vice President

CERTIFICATE

Extract from the By-Laws of SAFECO INSURANCE COMPANY OF AMERICA
and of GENERAL INSURANCE COMPANY OF AMERICA:

"Article V, Section 13. - FIDELITY AND SURETY BONDS ... the President, any Vice President, the Secretary, and any Assistant Vice President appointed for that purpose by the officer in charge of surety operations, shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business... On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

Extract from a Resolution of the Board of Directors of SAFECO INSURANCE COMPANY OF AMERICA
and of GENERAL INSURANCE COMPANY OF AMERICA adopted July 28, 1970.

"On any certificate executed by the Secretary or an assistant secretary of the Company setting out,

- (i) The provisions of Article V, Section 13 of the By-Laws, and
- (ii) A copy of the power-of-attorney appointment, executed pursuant thereto, and
- (iii) Certifying that said power-of-attorney appointment is in full force and effect,

the signature of the certifying officer may be by facsimile, and the seal of the Company may be a facsimile thereof."

I, Dexter R. Legg, Secretary of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of these corporations, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution and the Power of Attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this 4th day of May, 2010



Dexter R. Legg, Secretary

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Alameda

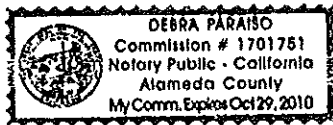
On 5/6/10 before me, Debra Paraiso, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Milton C. Burleson
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



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Signature [Signature]
Signature of Notary Public

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- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

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OF SIGNER
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Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

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OF SIGNER
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THE UNIVERSITY OF CHICAGO
LIBRARY
1215 EAST 58TH STREET
CHICAGO, ILL. 60637
TEL. 733-7321

LIST OF SUBCONTRACTORS

Designation of Subcontractors as required in Section 2-1.15A of the City of San Jose Standard Specifications, July 1992.

| NAME OF SUBCONTRACTOR | LOCATION OF PLACE OF BUSINESS | PORTION (DESCRIPTION) OF WORK |
|-----------------------|-------------------------------|-------------------------------|
| HGH ELECTRIC | OAKLAND, CA | ELECTRICAL |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

STATEMENT OF QUALIFICATIONS

FOR

SAN JOSE/SANTA CLARA WATER POLLUTION CONTROL PLANT
MCC PHASE II REPLACEMENT DESIGN-BUILD PROJECT

FY 2009/2010

Bidders shall identify a minimum of three (3) similar projects within the last five (5) years. Bidders must use and submit this form as a part of their bid proposal. Bidders who wish to identify more than five (5) projects may attach additional pages as necessary to this form. Please note that resumes and/or reference lists may not be submitted in lieu of this form.

All work experience identified in this STATEMENT OF QUALIFICATIONS form must have been completed by the same contractor who is submitting the bid proposal.

| <u>PROJECT NO. 1</u> | <u>Date Started</u> | <u>Date Ended</u> | <u>Owner Name and Address</u> | <u>Name and Telephone No. of Person with Personal Knowledge of Bidder's Work on the Project (e.g. Project Manager)</u> |
|---|---------------------|-------------------|---|--|
| North Point Wet Weather Imprv | 6/2005 | 4/2007 | San Francisco Public Utilities Commission 1145 Market Street San Francisco, CA | Gordon King 415-559-2170 |
| <u>PROJECT NO. 2</u> | <u>Date Started</u> | <u>Date Ended</u> | <u>Owner Name and Address</u> | <u>Name and Telephone No. of Person with Personal Knowledge of Bidder's Work on the Project (e.g. Project Manager)</u> |
| Oceanside WPC & Westside Pump Sta Barscreen & VFD Imprv | 9/2006 | 12/2007 | San Francisco Public Utilities Commission 1145 Market Street San Francisco, CA | Boon Lim 415-554-0745 |

| <u>PROJECT NO. 3</u> | <u>Date Started</u> | <u>Date Ended</u> | <u>Owner Name and Address</u> | <u>Name and Telephone No. of Person with Personal Knowledge of Bidder's Work on the Project (e.g. Project Manager)</u> |
|--|---------------------|-------------------|---|--|
| MWTP Digester Upgrade | 6/2005 | 6/2008 | East Bay Municipal Utility District | Don Kiang |
| | | | 2020 Wake Ave. Oakland, CA | 510-287-1686 |
| <u>PROJECT NO. 4</u> | | | | |
| Channel Pump Station Odor Control & Facility Imprv | 7/2008 | Current | San Francisco Public Utilities Commission 1145 Market Street San Francisco, CA | Gordon King 415-559-2170 |

Each of the above referenced projects had substantial work involving the replacement of existing motor control centers and plant switchgear. The electrical subcontractor on each of the projects was HGH Electric, Oakland, CA and the electrical equipment was furnished by KBL Associates. HGH and KBL will be subcontractors ^{Suppliers} as part of the Monterey team for this project.